

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CYNTHIA S. GILLETTE, individually and
derivatively on behalf of nominal defendant
BLIMPIE OF CALIFORNIA, INC.,

Plaintiff,

07 Civ. 4697 (CLB)

v.

JEFFREY ENDERVELT, BELLE
ENDERVELT and DORA RICCI,

Defendants,

and

BLIMPIE OF CALIFORNIA, INC.,

Nominal Defendant.
-----X

**NOTICE OF SETTLEMENT OF ORDER GRANTING PLAINTIFF'S MOTION FOR
THE APPOINTMENT OF A GUARDIAN AD LITEM**

PLEASE TAKE NOTICE that plaintiff Cynthia S. Gillette ("Gillette"), individually and derivatively on behalf of nominal defendant Blimpie of California, Inc. ("BOC") (collectively, "Plaintiff"), will present the attached proposed order to the Honorable Charles L. Brieant, United States District Judge, for signature on February 19, 2008.

PLEASE TAKE FURTHER NOTICE that counter-orders, if any, must be submitted to the Court and received by the undersigned by February 15, 2008.

Dated: New York, New York
February 11, 2008

/s/ Kevin Fritz

Bijan Amini (BA 3533)
Kevin Fritz (KF 6788)
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**ORDER GRANTING PLAINTIFF'S MOTION FOR THE APPOINTMENT OF A
GUARDIAN AD LITEM**

Upon the motion dated January 3, 2008 of Cynthia S. Gillette ("Gillette"), individually and derivatively on behalf of nominal defendant Blimpie of California, Inc. ("BOC") (collectively, "Plaintiff"), for an order pursuant to Fed. R. Civ. P. 17(c), appointing a guardian ad litem to represent defendant Belle Endervelt (the "Motion"), the papers submitted by Plaintiff in support thereof, the papers submitted by defendants Jeffrey Endervelt, Belle Endervelt, and Dora Ricci (collectively, "Defendants") in opposition thereto; and a hearing having been held on February 8, 2008 (the "Hearing"), at which all parties were permitted to present their arguments and contentions; and for the reasons set forth on the record at the Hearing, it is hereby

ORDERED that the Motion is granted;

ORDERED that the Court appoints _____ as guardian ad litem for defendant Belle Endervelt; and

ORDERED that BOC shall post a bond in the amount of eighty thousand dollars (\$80,000.00).

Dated: February __, 2008

The Honorable Charles L. Bricant
United States District Judge